

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Sriakhil Gogineni,

Plaintiff,

v.

Case No. 20-mc-50443

Equifax Credit Information Services, Inc.,
and Equifax, Inc.,

Sean F. Cox
United States District Court Judge

Defendant.

**ORDER REMANDING THIS CASE TO THE 35TH DISTRICT COURT OF THE
STATE OF MICHIGAN**

Plaintiff originally filed this lawsuit against Defendant in the 35th District Court of the State of Michigan. On February 25, 2020, the state court entered a stipulation and order that purported to transfer the case to this Court under 28 U.S.C. § 1404. Because no party paid the appropriate filing fee and because Defendants did not file a notice of removal, the Clerk of the Court opened this case on a miscellaneous docket.

After review of the docket, the Court was not convinced that this case was properly before it. On April 1, 2020, the Court ordered Defendant to show cause why this case should not be remanded to the state court as improperly transferred. On April 15, 2020, the Defendant filed a response, which included several emails between the parties.

Based on Defendant's response and a review of the record, the Court concludes that this case is not properly before it. Specifically, 28 U.S.C. § 1404—the vehicle by which the state court purported to transfer this case—appears to govern when a federal district court may change a case's

venue to another federal district court. That statute does not allow a *state* district court to transfer a case to a *federal* district court, and thereby sidestep the typical mechanism for removal and the need for some party to pay the appropriate filing fee or fee related to a notice of removal.

Moreover, Defendant's response indicates that at least one reason that Plaintiff initiated this "transfer" was because he wanted to avoid "further filing fees." (ECF No. 3-1, PageID 80). As Defendant points out, Plaintiff alone decided to file his case in state district court. He then decided to seek damages in excess of that court's jurisdictional limit. Yet he now appears to be avoiding necessary prerequisites to getting his case before a court with the authority to hear his claims.

For these reasons, the Court **ORDERS** that this case be **REMANDED** to the 35th District Court of the State of Michigan.

This miscellaneous case is **CLOSED**.

IT IS SO ORDERED.

s/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: April 21, 2020